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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

IN RE:

TROY G SMITH

DEBTOR

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CASE NO. 19-43103

CHAPTER 7

MOTION TO SELL REAL PROPERTY

21-DAY NEGATIVE NOTICE – LBR 9007(a):

Your rights may be affected by the relief sought in this pleading. You should read this pleading carefully and discuss it with your attorney, if you have one in this bankruptcy case. If you oppose the relief sought by this pleading, you must file a written objection, explaining the factual and/or legal basis for opposing the relief.

No hearing will be conducted on this Motion/Objection/Application unless a written objection is filed with the Clerk of the United States Bankruptcy Court and served upon the party filing this pleading WITHIN TWENTYONE (21) DAYS FROM THE DATE OF SERVICE shown in the certificate of service unless the Court shortens or extends the time for filing such objection. If no objection is timely served and filed, this pleading shall be deemed to be unopposed, and the Court may enter an order granting the relief sought. If an objection is filed and served in a timely manner, the Court will thereafter set a hearing with appropriate notice. If you fail to appear at the hearing, your objection may be stricken. The Court reserves the right to set a hearing on any matter.

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

NOW COMES TROY G SMITH, a Chapter 7 Debtor in the above styled and numbered case and would respectfully show the Court:

1. The Court has jurisdiction to hear and determine this *Motion to Sell Real Property* pursuant to the provisions of 28 U.S.C. §1334 and 28 U.S.C. § 157. This is a core proceeding pursuant to the provisions of 11 U.S.C. §363.
2. Debtor has decided to sell certain real property located at 5816 Creek Crossing Lane, Sachse, TX 75048 ("property").
3. Subject property is currently the Debtor's homestead and he has lived there since purchasing the property in 2009 (See Exhibit 1)
4. The proposed buyer has contracted to purchase subject property for \$504,000. (See Exhibit 2)
5. The known mortgage lien-holders and approximate balances owed are (See Exhibit 2):

US Bank Home Mortgage: \$340,000
6. Property taxes due to Dallas County and Garland ISD for 2019 are a part of the closing cost with the taxes due for 2019 to be paid in full at closing. (See Exhibit 2)
7. Total closing cost including property tax, commissions, and closing cost are \$44,358. (See Exhibit 2).
8. After mortgage balances and closing cost the Debtor is expected to clear \$117,333. (See Exhibit 2)
9. Debtor has chosen the Texas Exemptions and has declared their homestead exempt pursuant Texas Const. art. XVI, §§50, 51, Tex Prop. Code §§41.001-.002.
10. Debtor requests that any order approving this Motion exclude the fourteen day stay provided in Rule 6004(h) of the Federal Rules of Bankruptcy Procedure so that Debtors do not risk losing out on the sale of the property.

WHEREFORE, PREMISES CONSIDERED, the Debtor prays the Court enter an order allowing them to sell the subject property pursuant to the terms of the attached *Closing Disclosure* and to retain the proceeds from such sale after payment of liens, and closing costs, and for any other relief that is just.

Respectfully Submitted,

s/ William J. Collins
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ATTORNEY FOR DEBTORS